

REMARKS

Claims 26-60 are pending in this application, with claims 59 and 60 withdrawn from consideration as directed to a non-elected invention. Claims 26-54 and 56-58 stand rejected; claim 55 stands objected to as dependent upon a rejected base claim but indicated as allowable if rewritten in independent form.

In view of the rejections in the Office Action, claims 26-51 have been cancelled and claim 52 amended to incorporate therein the subject matter of former claims 54 and 55. Thus, claim 52 is, in effect, former claim 55 rewritten in independent form, and is allowable for the reasons indicated in the Office Action. Claims 53-55 have been cancelled. Claims 56-58 are unchanged and are allowable for the same reasons as claim 52. The withdrawn claims 59-60 have been cancelled.

New claims 61-73 have been added to give applicants the full scope of the protection to which they consider themselves entitled. Claims 61-64, like claims 52 and 56-58, are directed primarily to the embodiments of Figures 3A-3E. In view of the statement in the Office Action that the prior art fails to teach a color electrophoretic display with a single display element that has two electrodes where the two electrodes are a first and second color and wherein the second color is also the color of the particles of the cell as claimed, claim 61 is directed to a single cell of the three cell display claimed in original claim 55 and now claimed in claim 52. Accordingly, claim 61 is allowable for the reasons stated in the Office Action regarding claim 55. New claims 62-64, which are dependent upon claim 61, are allowable for the same reason.

New claims 65-73 are directed to the dual particle shutter mode display of Figures 3F-3L. It is believed that the basis for claims 65-73 will be readily apparent from these Figures except in two instances. Claim 66 is based upon page 23, lines 1-2 of the specification. Claim 67 is based upon the same passage, read in combination with page 23, lines 8-14 and Figure 3I. Although Figure 3I does not explicitly identify the colors of the surfaces 60' and 60'', in view of the teaching on page 23 regarding complementary colors, these surfaces must be magenta and yellow respectively.

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It should readily be apparent that the prior art cited in the Office Action does not affect the patentability of new claims 65-73, since none of this prior art describes dual particle electrophoretic displays.

No new matter is introduced by any of the foregoing amendments.

Reconsideration and allowance of all claims remaining in this application is respectfully requested.

Since the prescribed period for responding to the Office Action expired December 29, a Petition for a two month extension of this period is filed herewith.

Respectfully submitted
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